

EXHIBIT C

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (CGM)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff,

Adv. Pro. No. 10-04289 (CGM)

Plaintiff,

v.

JOHN FUJIWARA *et al.*,

Defendants.

[PROPOSED] JUDGMENT

WHEREAS, Irving H. Picard (the “Trustee”), is the for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa–*lll*, substantively consolidated with the liquidation under chapter 7 of 11 U.S.C. §§ 101-1532, of the estate of Bernard L. Madoff (“Madoff”), currently pending in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) as Adv. Pro. No. 08-01789 (CGM);

WHEREAS, the Trustee is duly qualified to serve and act on behalf of the consolidated estate of BLMIS and Madoff;

WHEREAS, on November 26, 2010, the Trustee commenced the above-referenced adversary proceeding (the “Adversary Proceeding”) in the Bankruptcy Court, alleging, *inter alia*, that John Fujiwara (“Mr. Fujiwara”) and his late wife, Gladys Fujiwara (together with Mr. Fujiwara, the “Fujiwaras”) received avoidable transfers in connection with BLMIS investment advisor account within two years of December 11, 2008;

WHEREAS, the parties entered into a settlement (the “Settlement Agreement”), effective January 13, 2020, in accordance with the *Order Pursuant to Section 105(a) of the Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure Granting Authority and Establishing Procedures for Settlement Agreements in Connection with Avoidance Actions Filed by the Trustee*, dated November 12, 2010 (*Sec. Inv 'r Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, No. 08-01789 (CGM), ECF No. 3181);

WHEREAS, the parties submitted a stipulation for voluntary dismissal, so ordered by this Court on January 17, 2020, wherein this Adversary Proceeding was dismissed “without prejudice subject to the Trustee having the right to re-open th[e] adversary proceeding in the event of an uncured default under the Settlement Agreement . . .” (ECF No. 100);

WHEREAS, on March 23, 2022, the Trustee’s counsel informed this Court that Mr. Fujiwara has failed to make a certain payment required under the Settlement Agreement which has not been cured, and moved the Court to reopen this Adversary Proceeding to allow the Trustee to begin taking steps to collect the outstanding amount due and owing under the Settlement Agreement (ECF No. 101);

WHEREAS, on April 18, 2022, the Court granted the Trustee’s unopposed motion to

reopen this Adversary Proceeding (ECF No. 116);

WHEREAS, on April 29, 2022, the Trustee filed a motion (the “Motion”) to enforce the payment terms of the Settlement Agreement against Mr. Fujiwara, offered evidence of the amount now payable and due to the Trustee under the terms of the Settlement Agreement and a certain Promissory Note related thereto, and requested that the Court enter judgment in the Trustee’s favor and against Mr. Fujiwara in the amount of \$4,150,964.38 (ECF No. 117);

WHEREAS [IF NO OBJECTION FILED], on May ___, 2022, the Trustee filed a certificate of no objection representing that no objection has been received and that no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion (ECF No. [TBD]); and

WHEREAS, on May ___, 2022, having found that due and proper notice of the Motion had been given and it appeared that no other or further notice needed to be provided, the Court granted the Motion.

NOW THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. Judgment is hereby entered in favor of the Trustee against John Fujiwara in the total amount of Four Million One Hundred and Fifty Thousand Nine Hundred and Sixty-Four Dollars and Thirty-Eight Cents (\$4,150,964.38) (the “Judgment Amount”); and
2. The Clerk of Court shall enter this Judgment favor of the Trustee and against John Fujiwara for the Judgment Amount.